

77527

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eric James

) Conf. No.: 9867

)

)

Serial No.: 09/675,597

) Filed: September 29, 2000

)

For: SYSTEM AND METHOD OF
USING A PHONE TO ACCESS
INFORMATION IN A CALL
CENTER

) Art Unit: 2645

)

)

)

)

Primary

Examiner: Tsang, F.

)

)

)

PETITION UNDER 37 CFR §1.137(a)

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-0001

Sirs:

The above-identified Application was filed on September 29, 2000 without a signed declaration. On November 17, 2000, a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION (copy attached) was mailed to the law firm of the undersigned attorney. It should be specifically noted that the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was correctly addressed and mailed to WELSH & KATZ, LTD. The NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION of 11/17/00 stated that the "oath or declaration is unsigned".

On December 15, 2000 a Response to Notice to File Missing Parts was filed. The

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BEST AVAILABLE COPY

Response included a declaration (copy attached) signed by inventors Eric James and David Funck. The attached copy of the postcard, first page, shows an acknowledgement of receipt of the Response by the OIPE on December 19, 2000.

As may be noted from the DECLARATION AND POWER OF ATTORNEY filed with the Response of 12/15/00, inventors Eric James and David Funck gave power of attorney to the attorneys of WELSH & KATZ, LTD., at 120 South Riverside Plaza, 22 Floor, Chicago, Illinois 60606. Upon information and belief no change of correspondence address has ever been filed in this Application.

On September 16, 2003, an Office Action (copy attached) was mailed by Examiner Roland G. Foster to GARDNER GROFF, P.C. in Marietta, GA.

On September 29, 2003 Ms. Alicia Howell of GARDNER AND GROFF, P.C. mailed a letter (copy attached) to Examiner Roland G. Foster notifying Examiner Foster that the Office Action of 9/16/03 had been mailed to GARDNER AND GROFF, P.C. "in error". The attached copy of the letter from GARDNER AND GROFF, P.C. shows acknowledgement of receipt by Technology Center 2600 on October 6, 2003. On information and belief, Examiner Foster took no further steps to ensure that the Office Action of 9/16/03 was mailed to the correct correspondence address.

A search of the file jacket and docket record of this Application has been performed. The search demonstrates that the Office Action of 9/16/03 was never received by the attorneys of WELSH & KATZ, LTD. Attached is a copy of the face and Docket record of the file jacket of the above-identified Application. As may be noted from the Docket record, there is no record that the attorneys of WELSH & KATZ, LTD. had ever received the Office Action of 9/16/03.

On information and belief, no response has ever been filed to the Office Action of 9/16/03. As such, the above-identified Application became unavoidably abandoned on March 16, 2004.

On March 23, 2006, the below signing attorney issued a Power to Inspect (copy attached) to his designated representative, Mr. Peter Mikels and first obtained a copy of the Office Action of 9/16/03 shortly thereafter. Attached to this Petition is a Response to the Office Action of 9/16/03. As such, the entire delay in filing the attached, required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(a) was unavoidable.

Also attached is a petition fee under 37 CFR §1.17(l).

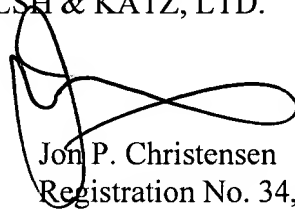
Closing Remarks

For the foregoing reasons, applicant submits that the subject application was unavoidably abandoned and should be revived.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,
WELSH & KATZ, LTD.

By



Jon P. Christensen
Registration No. 34,137

April 11, 2006
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500

77521
JPL JAS

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/675,597	09/29/2000	Eric James	99EC036-77527

WELSH & KATZ, LTD.
120 South Riverside Plaza 22nd Floor
Chicago, IL 60606

FORMALITIES LETTER



OC000000005565047

Date Mailed: 11/17/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

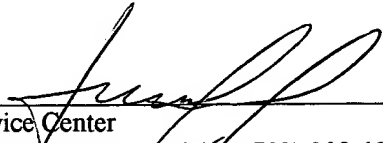
FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

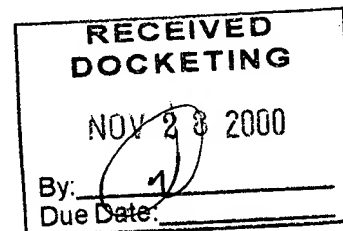
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James et al.

Group No.: 2643

Serial No.: 09/675,597

Examiner: Phan, Joseph T.

Filed: 09/29/2000

Attorney
Docket No.: 6065-77527

For: SYSTEM AND METHOD OF
USING A PHONE TO ACCESS INFORMATION
IN A CALL CENTER

POWER TO INSPECT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

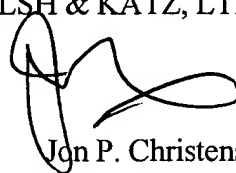
Sir:

Please permit Peter Mikels, or his designated representative, to inspect the above-identified patent application, and to make copies of any of the papers therein that they may desire.

Respectfully submitted,

WELSH & KATZ, LTD.

By


Ign P. Christensen
Reg. No. 34,137

March 23, 2006
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
Phone: (312) 655-1500
Fax: (312) 655-1501

Applicants: James, et al.
Serial No.: 09/675,597
Title: System and Method of Using a Phone to
Access Information in a Call Center

IS:/pat
Docket 99EC036/77527
December 15 2000

Enclosed:

(1) Response to Notice to File Missing Parts (in duplicate); (2) Copy of Formalities Letter;
(3) Declaration; (4) Assignment with Form PTO-1595; (5) Authorization to Charge Deposit
Account for Surcharge of \$130.00 and \$40.00 Recording Fee

COMMISSIONER FOR PATENTS

Please acknowledge receipt of the above-identified documents by applying the Patent and
Trademark Office seal hereto and mailing this card.

Respectfully,

WELSH & KATZ, LTD.

Applicants: James, et al.
Serial No.: 09/675,597
Title: System and Method of Using a Phone to
Access Information in a Call Center

IS:/pat
Docket 99EC036/77527
December 15 2000

Enclosed:

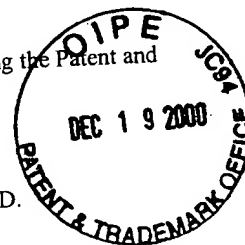
(1) Response to Notice to File Missing Parts (in duplicate); (2) Copy of Formalities Letter;
(3) Declaration; (4) Assignment with Form PTO-1595; (5) Authorization to Charge Deposit
Account for Surcharge of \$130.00 and \$40.00 Recording Fee

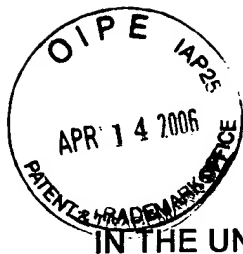
COMMISSIONER FOR PATENTS

Please acknowledge receipt of the above-identified documents by applying the Patent and
Trademark Office seal hereto and mailing this card.

Respectfully,

WELSH & KATZ, LTD.





99EC036/77527

Patent

Date: December 15, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James, et al.

Group Art:

Appn No.: 09/675,597

Examiner: Not yet assigned

Filed: September 29, 2000

For: System and Method of Using a
Phone to Access Information in
a Call Center

I hereby certify that this paper is being deposited
with the United States Postal Service as first class
mail in an envelope addressed to: Assistant
Commissioner for Patents, Washington, DC 20231,
on this date:

Attorney Docket No.: 99EC036/77527

12/15/2000

Date

Registration No.: 45,759

Attorney for Applicant(s)

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS

Transmitted herewith in response to the Notice to File Missing Parts dated November 17, 2000 are:

- (X) Copy of Form PTO-1533 – Notice to File Missing Parts of Application.
- (X) Declaration or oath for this application.
- (X) Assignment(s) of the invention to ROCKWELL ELECTRONIC COMMERCE CORPORATION with
Recordation Form Cover Sheet.
- () _____ Statement(s) of Small Entity Status.
- () Petition for Extension of Time.
- () Check in the amount of \$_____ to cover the filing fee and surcharge is enclosed.
- () Check in the amount of _____ to cover the fee for recording the assignment(s) is enclosed.
- (X) The Commissioner is hereby authorized to charge \$130.00 to cover the surcharge and \$40.00 for
the recording of the assignment to Deposit Account No. 03-2470.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required to this
application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No.03-
2470/ Should no proper amount be enclosed herewith, as by a check being in the wrong amount,
unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is
authorized to charge the unpaid amount to Deposit Account No. 03-2470. A duplicate copy of this
sheet is enclosed.

120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
(312) 655-1500

WELSH & KATZ, LTD.

By: _____

Indira Saladi

Registration No. 45,759



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/675,597	09/29/2000	Eric James	99EC036-77527

WELSH & KATZ, LTD.
120 South Riverside Plaza 22nd Floor
Chicago, IL 60606



FORMALITIES LETTER



OC000000005565047

Date Mailed: 11/17/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

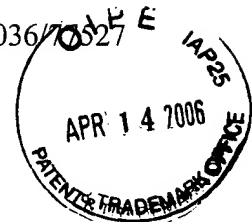
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name.

That I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD OF USING A PHONE
TO ACCESS INFORMATION IN A CALL CENTER**

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) None

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

That I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

United States Application(s)

09/675,597

(Application Serial No.)

September 29, 2000

(Filing Date)

Pending

(Status)-Patented, pending, abandoned)

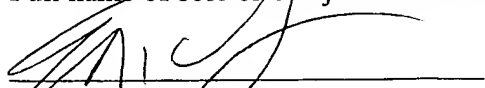
That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to WELSH & KATZ, LTD., 120 South Riverside Plaza, 22nd Floor, Chicago, Illinois 60606, Telephone No. (312) 655-1500.

<u>Attorney</u>	<u>Registration No.</u>
A. Sidney Katz	24,003
Richard L. Wood	22,839
Jerold B. Schnayer	28,903
Eric C. Cohen	27,429
Joseph R. Marcus	25,060
Gerald S. Schur	22,053
Gerald T. Shekleton	27,466
James A. Scheer	29,434
Daniel R. Cherry	29,054
Edward P. Gamson	29,381
Kathleen A. Rheintgen	34,044
Thomas W. Tolpin	27,600
Eric D. Cohen	38,110
Jon P. Christensen	34,137
Walter J. Kawula, Jr.	39,724
Leonard Friedman	37,135
Ik Hyun Seo	40,165
Philip D. Segrest	39,021
Jeffrey W. Salmon	37,435
Mitchell J. Weinstein	37,963
Indira Saladi	45,759
William C. Cray	27,627
John J. Deinken	28,406
Kyle Eppelle	34,155
John J. Horn	28,803
John M. Miller	38,560
Susie H. Oh	36,391
James P. O'Shaughnessy	27,667
Keith L. Stephens	32,632
Philip K. Yu	35,742

Full name of sole or one joint inventor:

Eric James


Inventor's signature

December 5, 2000
Date

Residence:

Elgin, Illinois

Post Office Address:


2384 Coral Cove
Elgin, IL 60123

Citizenship:

U.S.A.

Full name of sole or one joint inventor:

David Funck


Inventor's signature

December 5, 2000
Date

Residence:

Wheaton, Illinois

Post Office Address:

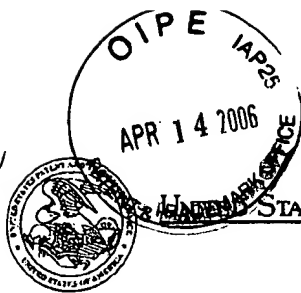
818 North Scott Street
Wheaton, IL 60187

Citizenship:

U.S.A.

Address for Correspondence:

WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,597	09/29/2000	Eric James	99EC036/77527	9867

23506 7590 09/16/2003

GARDNER GROFF, P.C.
PAPER MILL VILLAGE, BUILDING 23
600 VILLAGE TRACE
SUITE 300
MARIETTA, GA 30067

EXAMINER

FOSTER, ROLAND G

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,597

Applicant(s)

JAMES ET AL.

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 and 12-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0010584 A1 to Schultz et al. ("Schultz").

With respect to claim 1, the "voice response server" reads on natural language server (Fig. 7 and paragraph 0095), the connection, processing, and responding to telephone requests reads on paragraphs 0076 - 0088.

Claim 12 differs substantively from claim 1 in that claim 12 recites a means to perform functions equivalent to the method

steps of claim 1. Therefore, see the claim 1 rejection for additional details. See also Figs. 7-12 for the various means.

With respect to claim 16, the "call manager" reads on the natural language server which provides call center content in the form of IVR dialogues (Fig. 10 and paragraph 0109), the "VMXL interpreter" reads on the VoiceXML server which interprets VXML (Fig. 10 and paragraph 0109), the "network interface" reads on Fig. 7 which illustrates various network interfaces.

With respect to claim 2, the "telephony server" reads on Fig. 7, VoIP gateway, the "remote administrator" reads on certain users have user administration capability granting permissions and rights to certain content (paragraph 0012).

With respect to claims 3, 4, and 19, see paragraphs 0076 and 0144.

With respect to claim 5, the user is a remote administrator (see the claim 2 rejection) who also enters commands using speech recognition (translating input) (paragraph 0048).

Art Unit: 2645

With respect to claim 6, Schultz automatically distributes calls to and from an operator position (e.g., Fig. 1 and paragraph 0084) and therefore can be considered as comprising an "ACD". In addition, the "call center command server" reads on the natural language server (Fig. 10).

With respect to claim 7, see the claims 5 and 16 rejection for further details.

With respect to claims 8 and 20, see paragraph 0049.

With respect to claim 9, see the claim 16 rejection for further details.

With respect to claims 17 and 18, see Fig. 10 which illustrates that the natural language server (call manager) interfaces to telephony gateway (telephony server). Regarding "remote administrator", see claim 2.

With respect to claim 10, see paragraph 0009.

With respect to claims 13 and 15, see Fig. 7.

With respect to claim 14, see the claim 1 rejection and Fig. 7.

With respect to claim 19, see paragraphs 0076 and 0084.

With respect to claims 21 and 23, the natural language server (call manager) translates user IVR commands into commands suitable for controlling the voiceXML server (Fig. 10).

With respect to claims 22 and 24-26, see Figs. 7, 8, and 10 where the VoiceXML server uses a command interface with both the local area network and the Internet and to the switching platform used as an ACD (as discussed in the claim 6 rejection above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz as applied to claim 1 above.

Although Schultz discloses an IVR interface where the user can enter voice commands, Schultz fails to disclose that barge-in is supported.

However, "Official Notice" is taken that both the concept and advantages of supporting barge-in in an IVR system would have been well-known and expected in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add barge-in to the IVR system disclosed by Schultz.

The suggestion/motivation for doing so would have been to increase IVR user-friendliness, efficiency, and reliability by allowing a user, especially a skilled user, the ability to enter a command before listening to an entire prompt and without causing the IVR to misunderstand the command. For example, it is well known in IVR systems that the user can press or say "one" before the prompt "press or say one" fully plays out.

Application/Control Number: 09/675,597
Art Unit: 2645

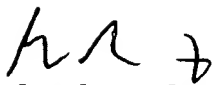
Page 8

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.


Roland G. Foster
Patent Examiner
September 3, 2003

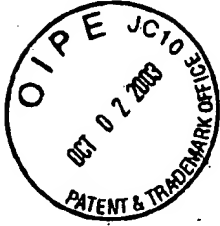


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September 29, 2003

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Technology Center 2600

Examiner Roland G. Foster
Art Unit 2645
USPTO
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: Application Serial No. 09/675,597

Dear Examiner Foster:

Enclosed please find the original Office Action for the above-noted patent application. Although the paper has been addressed to us, we do not recognize the attorney docket number, inventors, nor the application serial number. We believe this was mailed to us in error therefore we are returning this paper to you.

Sincerely,

Alicia Howell
For Gardner Groff, P.C.

Enclosures

INVENTOR	ERIC JAMES	SERIAL NO.	6
2)	DAVID L. FURCH	TITLE	System &
3)		Address	Inform
ADDRESS			
2)			
3)			
		PATENT NO.	
		ISSUE DATE	

CLIENT	Rockwell Electronic Commerce Division		
ADDRESS			
	19	ASSIGNED	INTEREST TO
ASSIGNMENT RECORDED: DATE	19	REEL	FRAME
OTHER ASSIGNMENTS:			

FILE NO.	77527		
CLIENT COMPUTER NO.	4045		
ATTORNEY	DRC/JAS/15		
CLIENT DOCKET NO.	99EC036		
RELATED APPLNS.			
RELATION	SER. NO.	FILED	FILE NO.

FOREIGN APPLNS. FILE NO.	

DOCKET

[illegible]



DAL
JFW

PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/675,597	
	Filing Date	09/29/2000	
	First Named Inventor	James et al.	
	Art Unit	2643	
	Examiner Name	Tsang, F.	
Total Number of Pages in This Submission	33	Attorney Docket Number	7208-90742

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Check in the amount of \$500 -Postcard
Remarks Other Attachments are as follows: -Copy of Notice to File Missing Parts dated 11/17/2000 - Copy of Response to Notice to File Missing Parts dated 012/15/2000 including Declaration - Copy of Office Action dated 09/16/2003 sent by Gardner Groff - Correspondence from Gardner Groff to the USPTO dated 09/29/2003 - Copy of the Welsh & Katz File Jacket and Docket Record - Copy of Power to Inspect filed 03/23/2006		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Welsh & Katz, Ltd.		
Signature			
Printed name	Jon P. Christensen		
Date	April 11, 2006	Reg. No.	34,137

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name	Abby Boone	Date	April 11, 2006

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